



Employment Act 1989

1989 CHAPTER 38

Circumstances where discrimination as respects employment or training is permissible

5 Exemption for discrimination in connection with certain educational appointments.

- (1) Nothing in Parts II to IV of the 1975 Act shall render unlawful any act done by a person in connection with the employment of another person as the head teacher or principal of any educational establishment if it was necessary for that person to do that act in order to comply with any requirement of any instrument relating to the establishment that its head teacher or principal should be a member of a particular religious order.
- (2) Nothing in—
 - (a) Part II of the 1975 Act, or
 - (b) Part IV of that Act so far as it has effect in relation to Part II,shall render unlawful any act done by a person in connection with the employment of another person as a professor in any university if the professorship in question is, in accordance with any Act or instrument relating to the university, either a canon professorship or one to which a canonry is annexed.
- (3) Nothing in the provisions of the 1975 Act referred to in subsection (2)(a) or (b) shall render unlawful any act done by a person in connection with the employment of another person as the head, a fellow or any other member of the academic staff of any college, or institution in the nature of a college, in a university if it was necessary for that person to do that act in order to comply with any requirement of any instrument relating to the college or institution that the holder of the position in question should be a woman.
- (4) Subsection (3) shall not apply in relation to instruments taking effect after the commencement of that subsection; and section 6(b) of the ^{M1}Interpretation Act 1978 (words importing the feminine gender to include the masculine) shall not apply to that subsection.
- (5) The Secretary of State may by order provide that any provision of subsections (1) to (3) shall not have effect in relation to—

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Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989, Section 5. (See end of Document for details)

- (a) any educational establishment or university specified in the order; or
 - (b) any class or description of educational establishments so specified.
- (6) In this section “educational establishment” means—
- (a) any school within the meaning of the ^{M2}Education Act 1944 or the ^{M3}Education (Scotland) Act 1980;
 - (b) any college, or institution in the nature of a college, in a university; or
 - [^{F1}(ba) any institution designated by order under section 28 of the Further and Higher Education Act 1992]
 - [^{F2}(c) any institution designated by order made or having effect as if made under section 129 of the Education Reform Act 1988.]
- (7) Nothing in this section shall be construed as prejudicing the operation of section 19 of the 1975 Act (exemption for discrimination in relation to employment of ministers of religion).

Textual Amendments

- F1** S. 5(6)(ba) inserted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 93(a)**; S.I. 1992/831, art. 2, **Sch.3**
- F2** S. 5(6)(c) substituted (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 93(b)**; S.I. 1992/831, art. 2, **Sch. 1**
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Modifications etc. (not altering text)

- C1** S. 5: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
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Marginal Citations

- M1** 1978 c. 30.
M2 1944 c. 31.
M3 1980 c. 44.

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